IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 24387 of 2006(C)

PETITIONER:

KARUNAKARAN NAIR, S/O.NARAYANAN NAIR,
AGED 78 YEARS, KALLALUMCHUVATTIL PUTHENPURAYIL,
AVOLY KARA, MUVATTUPUZHA VILLAGE, ERNAKULAM
DISTRICT.

BY ADV. SRI.KOSHY GEORGE

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, PUBLIC WORKS
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER, KERALA STATE TRANSPORT
PROJECT (KSTP) P.W.D. KILLIPALAM, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

4. EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
P.W.D. GUEST HOUSE, MUVATTUPUZHA.

5. JOSE ABRAHAM, PAYITHURUTHEL
BUILDING NO.364, C-N, KIRAN ENTERPRISES, AVOLI KARA
MOOVATTUPUZHA VILLAGE, ERNAKULAM DISTRICT.

6. THOMAS MATHEW, THEKKEDATHU,
UTTIKANATHIL, AVOLIKARA, MOOVATTUPUZHA VILLAGE
ERNAKULAM DISTRICT.
(Addl. R5 and R6 impleaded vide order in I.A.13034/06 dated 18-9-2006)

BY ADV. SRI.C.C.THOMAS For R6.
GOVERNMENT PLEADER SRI.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2006, THE COURT ON 20/11/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of strip/land plan of the relevant portion of the Muvattupuzha Thodupuzha Road.

Ext.P2: Photographs of the portion of the muvattupuzha Thodupuzha road near Vazhattu Curve.

Ext.P3: True copy of the representation dated 28-8-2006 submitted before the Hon'ble Chief Minister.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.24387 OF 2006

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Dated this the 20th day of November 2006

JUDGMENT

Heard counsel for the petitioner and the Government Pleader and counsel appearing for additional respondents.

2. The writ petition is filed challenging the proposal to straighten the road. According to the petitioner, the road in the present form is constructed with massive expense and straightening is done at the request of some interested persons. However, petitioner himself has produced Ext.P2 series of photographs which show that there is a sharp curve in the road in front of a shopping complex. The road appears to be in good condition and would have been constructed at high cost. However, since it is a busy route curve has to be avoided to prevent accidents and for smooth flow of traffic. On the face of it, I feel the sharp curve as evident from Ext.P2 photograph requires correction. Even though this involves substantial funds as it is a long term project, such expenditure is justified.

In the circumstances, writ petition is dismissed leaving freedom to respondents to proceed for straightening the road.

C.N.RAMACHANDRAN NAIR, JUDGE

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